

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of Amendment of Part 15  
Regarding New Requirements and  
Measurement Guidelines for Access  
Broadband Over Powerline Systems

**ET Docket No. 04-37**

By W. Lee McVey, P.E.,

To: The Commission

**MOTION REQUESTING A SECOND NOTICE OF PROPOSED RULEMAKING**

1. This Motion is filed to request the issuance of a second Notice of Proposed Rulemaking in the instant proceeding.
2. Since the issuance of the first Notice of Proposed Rulemaking with proposed revisions and additions to Part 15 rules and regulations, additional relevant data and findings<sup>1 2</sup> have been entered into the record that offer compelling reasons for both modifications and additions to Part 15 that would be substantially different than those that formed the basis for proposed codified language in the first Notice.

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<sup>1</sup> National Telecommunications and Information Administration (NTIA) Comments *filed June 4, 2004*

<sup>2</sup> Amended Motion for Extension of Time by the National Antenna Consortium and Amherst Alliance *filed June 22, 2004*.

3. Since both the National Telecommunications and Information Administration and the National Antenna Consortium/Amherst Alliance have raised specific and controversial issues with respect to whether Broadband Over Powerline can be effectively deployed and operated, interested parties must be given the opportunity to comment on any and all proposed codified language needed to include and address their commentaries.

Respectfully Submitted,

/s/

W. Lee McVey, P.E.

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1020HRS EDT